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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/535,002	03/23/2000	David A. Hrusecky	EN9-99-114 1348	
30743	7590 06/25/2004		EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C.			SHERALI, ISHRAT I	
SUITE 340	DI IMEES ROAD		ART UNIT	PAPER NUMBER
RESTON, V	'A 20190		2621	10
			DATE MAILED: 06/25/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applicati	on No.	Applicant(s)			
Office Action Summary		09/535,0	)2	HRUSECKY ET AL.			
		Examine	-	Art Unit			
		Sherali Is		2621			
Period fo	The MAILING DATE of this communication Reply	ion appears on the	e cover sheet with the	correspondence address			
THE - Exte after - If the - If NC - Failu - Any	MAILING DATE OF THIS COMMUNICATE and in the provisions of 37 r SIX (6) MONTHS from the mailing date of this communicate period for reply specified above is less than thirty (30) day of period for reply is specified above, the maximum statutor ure to reply within the set or extended period for reply will, it reply received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	TION. ' CFR 1.136(a). In no evation. ys, a reply within the staty period will apply and we by statute, cause the app	ent, however, may a reply be ti utory minimum of thirty (30) da ill expire SIX (6) MONTHS fron lication to become ABANDONI	imely filed  rys will be considered timely.  In the mailing date of this communication.  ED (35 U.S.C. & 133).			
1)⊠	Responsive to communication(s) filed or	n <u>11 March 2004</u>					
2a) <u></u> □	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.						
3)[	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposit	ion of Claims						
4)⊠	Claim(s) 1-23 is/are pending in the appli	ication.					
·	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)⊠	Claim(s) <u>1-16</u> is/are allowed.						
6)⊠	Claim(s) <u>17 and 18</u> is/are rejected.						
7)🖂	Claim(s) <u>19-23</u> is/are objected to.						
8)□	Claim(s) are subject to restriction	and/or election r	equirement.				
Applicat	ion Papers						
9)[	The specification is objected to by the Ex	kaminer.					
10)⊠	The drawing(s) filed on 11 March 2004 is	s/are: a)⊠ accep	oted or b) objected	to by the Examiner.			
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
	Replacement drawing sheet(s) including the	correction is requir	ed if the drawing(s) is ob	ojected to. See 37 CFR 1.121(d).			
11)[	The oath or declaration is objected to by	the Examiner. No	ote the attached Office	e Action or form PTO-152.			
Priority (	under 35 U.S.C. §§ 119 and 120						
a) * § 13)□ /	Acknowledgment is made of a claim for All b) Some * c) None of:  1. Certified copies of the priority doc 2. Certified copies of the priority doc 3. Copies of the certified copies of the application from the International left of the attached detailed Office action for Acknowledgment is made of a claim for detailed of the certified copies of the attached detailed Office action for Acknowledgment is made of a claim for detailed of the certified copies of the attached detailed Office action for Acknowledgment is made of a claim for detailed of the certified copies of the priority doc	tuments have been to be the priority documents Bureau (PCT Ruler a list of the certion omestic priority u	en received. In received in Applicate In received in Applicate In the service in	tion No red in this National Stage ed. (e) (to a provisional application)			
3	since a specific reference was included in BT CFR 1.78. BY ☐ The translation of the foreign langua		·				
14)[] <i>A</i>	Acknowledgment is made of a claim for do eference was included in the first sentenc	omestic priority u	nder 35 U.S.C. §§ 120	and/or 121 since a specific			
Attachmen	it(s)						
1)  Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-9 mation Disclosure Statement(s) (PTO-1449) Paper	948) No(s) <u>9, 11</u> .		y (PTO-413) Paper No(s) Patent Application (PTO-152)			

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## **Response to Amendment/Argument**

1. This action is in response to applicant's amendment/arguments received on 5/25/04.

Applicant's arguments with respect to art rejection for claim 17-18 are fully considered however they are not persuasive with respect to art rejection. See remarks section for detail.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 17-18 are rejected under 35 USC § 102 (b) as being anticipated by Keating et al. (US 5,822,009).

Regarding claim 17, Keating discloses truncating at least one least significant bit of clipped digital signal values (See Keating, col. 6, lines 62-65, Keating shows clipping the pixel values [digital signal values] and truncating clipped signal values).

filtering respective values of digital data using corresponding ones of truncated digital signal values (See Keating, col. 6, lines 66-67, there follows [after clipping and truncation] high-pass filtering) to determine a correction factor in accordance with a filter transfer function (See Keating, col. 6. lines 66-67, thru col. 7, lines 1-7, Keating

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shows high pass and band pass filtering to provide an enhancement to avoid so called cross color. The filtering system of Keating is correcting [avoiding] cross-color and therefore the transfer function or the impulse response of the filtering system of Keating is a correction factor itself for correcting [avoiding] the cross-color. Keating is inherently determining correction factor in accordance with a filter transfer function by selecting the filtering system of particular transfer function to correct the cross-color

Regarding claim 18, Keating discloses filtering step is performed with each of two truncated digital signal values (col. 6, lines 66-67, and col. 7, lines 1-2 Keating discloses clipping, truncation and filter and in col. 7, lines 1-2 filtering provide enhancement to detail (high frequency) components [clipped truncated pixel values/digital signal values] i.e Keating shows filtering step is performed with atleat each of two truncated digital signal values).

## Allowable Subject Matter

5. Claims 1-16 are indicated allowable over prior art of record.

Claims 19-23 are objected as being dependent on rejected base claim but would be allowable if rewritten in independent form including limitations of the base claim and any intervening claims.

### Remarks

6. Keating does not show determining a correction in accordance with a filter transfer function. In contrast the filtering provided by the invention is a correction factor of luminance value to avoid flickering.

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Examiner strongly disagree with applicant's attorney that Keating does not show determining a correction in accordance with a filter transfer function. Keating on col. 6. lines 66-67, thru col. 7, lines 1-7, shows high pass and band pass filtering to provide an enhancement to avoid so called cross-color. The filtering system of Keating is correcting [avoiding] cross-color and therefore the transfer function or the impulse response of the filtering system of Keating is a correction factor itself for correcting [avoiding] the cross-color. Keating is inherently determining correction factor in accordance with a filter transfer function by selecting the filtering system of particular transfer function to correct the cross-color. Furthermore filtering provided by the invention is a correction factor of luminance value to avoid flickering is not recited in the claim language. Therefore such limitation is not supported by the claim language

### Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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#### Communication

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 703-308-9589. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

4750.

Ishrat Sherali

Patent Examiner

Group Art Unit 2621

June 9, 2004

LEO BOUDREAU

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600